IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WA.No. 1433 of 2006()

{IN W.P.(C)NO.23997/2004 OF THIS COURT}
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APPELLANTS/RESPONDENTS:
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1. THE UNION OF INDIA,
REP.BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS,
NEW DELHI.

2. THE DIRECTOR GENERAL,
CENTRAL INDUSTRIAL SECURITY FORCE,
FORCE HQRS.,BLOCK NO.13,
C.G.O.COMPLEX,LODHI ROAD,
NEW DELHI-110 003.

3. THE COMMANDANT,
CISF UNIT,VSSC THUMBA,
THIRUVANANTHAPURAM.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

RESPONDENT/PETITIONER:

P.ANIL,S/O.LATE O.PUSHPANGATHAN (HC/GD),
PUSHPA NIVAS,MUTHUKULAM NORTH,
MUTHUKULAM P.O.,ALAPPUZHA DISTRICT,
ALAPPUZHA-695 560,KERALA.

BY ADV. SRI.A.R.GANGADAS
SRI.N.JAMES KOSHY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &
ANTONY DOMINIC, JJ.

W.A.No.1433 of 2006

Dated this the 13th day of February, 2007.

JUDGMENT

Abdul Gafoor, J.

The Union of India is aggrieved by the direction contained in the impugned judgment. It is submitted that the impugned judgment directs appointment of the writ petitioner on compassionate grounds. This is opposed to the principle laid down by the Apex Court in various decisions including the one in **Pepsu Road Transport Corporation v. Satinder Kumar {1995 Supp.(40 S.C.C. 597}**. It is submitted that the court should not have peremptorily directed the appointment of the writ petitioner.

2. We have examined the judgment. It is not in dispute that the father of the writ petitioner expired on 4.4.1999 and immediately thereafter he had applied for

appointment on compassionate ground on 19.4.1999 in accordance with the scheme for employment assistance to the dependents of employees who die in harness. There were several communications to him intimating that his case was being considered. Later, based on a later Government Order, a communication was addressed to him in July, 2003 informing him that he could not be considered because of the existing Government Orders. It was in the above circumstances, the learned single Judge directed as follows:

> "In case any applicant to any Group D post under the CISF has been appointed on the basis of an application filed on or after 19.4.1999, the petitioner shall also be given the appointment."

3. The direction is thus to avert discrimination, if any, played by the authorities to defeat or deny the claim of the writ petitioner. That is not a direction to appoint one, but to give equal treatment as guaranteed

by Article 14 of the Constitution of India in case such appointments had been given to similarly situated persons, who had applied later than the petitioner. Therefore, we find no reason for interference.

Writ appeal is accordingly dismissed.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(ANTONY DOMINIC)
JUDGE

sk/

//true copy//

P.S. To Judge

K.A.ABDUL GAFOOR &
ANTONY DOMINIC, JJ.

W.A.No.1433 of 2006

JUDGMENT

13th February, 2007.